IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22665 of 2004

Between:

1 Neerukattu Nageswara Rao, S/o. Radhakrishna Murthy,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
2 Lakkakula Ramu, S/o. Subbaiah,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
3 Neerukattu Srinivasa Rao, S/o. Yellaiah,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
4 Neerukattu Vasu, S/o. Rama Rao,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
5 Neerukattu Rama Rao, S/o. Venkaiah,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
6 Neerukattu Radhakrishna Murthy, S/o. Venkaiah,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
7 Neerukattu Vara Prasad, S/o. Venkata Subba Rao,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
8 Neerukattu Ravi, S/o. Venkat Subba Rao,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
9 Neerukattu Venkata Subbaiah, S/o. Yellaiah,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
10 Sagi Suryanarayana, S/o. Venkaiah,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.
11 Neerukattu Lakshmi Narayana, S/o. Venkaiah,
R/o. Swarna Village, Karamchedu Mandal, Prakasam

District.

..... PETITIONERS

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Agricultural Officer and Fertilizer Inspector, (The Joint Director, Agriculture) Karamcheru Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Directioon more particularly one in the nature of WRIT OF CERTIORARI, to call for the records pertaining to the impugned order of the 1st respondent dt. 23-11-2004 in Procs. Rc.CS1/6A/35/2004 and quash the same as illegal, arbitrary, and consequently direct the 1st respondent herein to release the seized stocks to the petitioners and to grant such other relief or reliefs

Counsel for the Petitioner:MR.M.SREE RAMA MURTHY

Counsel for the Respondents 1 and 2: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioners claim to be the farmers of Swarna Village, Karamchedu Mandal, Prakasam District. They contend that all of them have purchased various quantities of Urea from M/s Sri Venkateswara Fertilizer Agencies of that village on 22.10.2004, and for the sake of convenience, they have stored the Urea purchased by them in Sri Venkateswara Rice Mill of that village. The Agricultural Officer of Karamchedu along with Assistant Director of Agriculture visited the site on receiving a complaint about black marketing of Urea and effected seizure of 300 bags of 50 Kgs of each NFCL Urea and 102 bags of RCF Urea.

Petitioners contend that the storage of the Urea by them in the premises of the rice mill was not with a view to sell or black market it, but on the other hand, was for the purpose of safe storage, so that it can be used at an appropriate time.

Learned counsel for the petitioners seeks release of the seized quantity. Learned

Government Pleader for Civil Supplies, on the other hand, submits that the version put forward by the petitioners cannot be believed inasmuch a farmer would either store the purchased quantity of fertilizer at his residence or use in the fields, and he cannot be expected to store in huge quantities at other places.

On effecting seizure of 402 bags of Urea, referred to above, the Joint Collector, Prakasam District, directed the Agricultural Officer and Fertilizer Inspector to dispose of the same to needy farmers. The question as to whether the seized quantity of fertilizer was held by any trader or was purchased by any farmers, needs to be considered at the disposal of the proceedings under Section 6-A of the Essential Commodities Act, 1955 (for short 'the Act'). The petitioners vehemently contend that it was purchased by them. The order of seizure, dated 23.11.22004, does not disclose that either there was any shortage of commodity or that any particular individual has resorted to acts of black marketing. In that view of the matter, disposal of the seized quantity indiscriminately may give rise to several complications.

Hence, the writ petition is disposed of directing that the seized quantity of the fertilizer shall be released to the petitioners on their depositing a sum of Rs.100/- per bag. The amount so deposited shall be subject to the outcome of the proceedings under Section 6-A of the Act. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 08th December, 2004

Note: Office to furnish copy

by 09.12.2004

(B/o.)

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To

1 The Joint Collector, Prakasam District, Ongole.
2 The Agricultural Officer and Fertilizer Inspector, (The Joint Director, Agriculture) Karamcheru Mandal, Prakasam District.

3 2CCs to the Government Pleader for Civil Supplies, High

Court Buildings, Hyderabad. (O.U.T)

4 2CD copies.